

MAINE HARNESS RACING COMMISSION
MINUTES OF MEETING
November 13, 2014
Room 208
Burton M. Cross Building
Capitol Street, Augusta, Maine

Commission Members Present: Barbara Dresser; Gary Reed Dirk Duncan and William McFarland.
Commissioner Michael Timmons was absent for part of the hearing.

Staff Members Present: Ronald Guay, AAG; Henry Jackson, Miles Greenleaf, Ralph Canney, Dennis May and Carol Gauthier.

ADJUDICATORY HEARINGS:

1. Commissioner Dresser stated that the first order of business would be a request from HC Bangor, LLC. Mr. Jackson stated that he received a request from HC Bangor, LLC for two days of racing in November to make up for the days they lost due to a snowstorm on November 2nd and 3rd. They are requesting November 17th and 18th. Commissioner Dresser asked what the post time would be for those two days. Mr. Jackson stated it would be at 5:00 p.m. Attorney Guay asked for a motion to reopen the race date hearing. Commissioner Duncan made a motion to reopen the race date hearing for 2014. Commissioner McFarland seconded. Vote 4-0. Attorney Guay stated that the Commission has voted to reopen the race date hearing for 2014 for limited purposes of considering the granting of two additional race dates for HC Bangor, LLC. He asked if anyone objected to a seven day notice for the race date hearing. He did not see any objection. The state has requested a waiver for the notice period. The waiver was granted. He administered the oath to Mr. Jackson and Mr. Hopkins representing HC Bangor, LLC. Mr. Jackson presented Exhibit 1, an email from Mr. Hopkins requesting to reopen the race date hearing for 2014; Exhibit 2, an email notice to the Commission members that HC Bangor, LLC has made that request; Exhibit 3, an email to all of the parties to the original proceeding indicating that the request has been made and if it is going to the wrong individual please see to it that it gets to the right individual of your organization. This would be put on the November 13th agenda. Attorney Guay asked if anyone had any objection to any of these exhibits to be entered into evidence. Seeing none, these are entered. Mr. Hopkins stated that on November 2nd and 3rd they received 15 inches of snow. The track was soft and they were unable to plow the track at that time. They called in a grater to fix the track to race. They would like to reschedule those dates to November 17th and 18th with a post time of 4:00 p.m. Commissioner Dresser asked why they decided to change the post time. Mr. Hopkins stated that they have seen their export handle drop off considerably after 6:30 p.m. so they want to see if they can capture a bigger handle before the big tracks kick in. Mr. Jackson stated that if you award the dates that they requested that you limit the number of dashes to 10 dashes per day. Attorney Guay asked if there is any evidence that any of the intervenors would like to present before deliberation. He stated that there was no one that had anything further. At this point he closed the hearing. Commissioner Dresser asked for a motion. Commissioner McFarland made a motion to approve the dates requested by HC Bangor, LLC to make up for the dates that they lost and that they are limited to 10 dashes on those two days of November 17th and 18th with a post time of 4:00 p.m. Commissioner Duncan seconded. Vote 4-0. Attorney Guay stated that there was one other matter. It won't be possible to reduce the order to a written Decision and Order prior to the race date. Does the Commission wish to waive its review of a written Decision and Order in this matter? Commissioner Dresser stated yes. Attorney Guay stated that they didn't need a vote for a matter of time and there won't be another Commission meeting available to review the Decision and Order; therefore, the Decision and Order is final as of today and what that

means to any of the intervenors is that if for any reason you want to appeal the decision the appeal period shall start today.

2. Commissioner Dresser called the hearing to order pursuant to 8 M.R.S. § 275-D and 275-N and Commission Rule, Chapter 19, Section 4. The Commission heard testimony on the License Renewal Applications from the following Off-Track Betting Facilities for Calendar Year 2015.

Pioneer Gaming, LLC Sanford;
Pioneer Gaming, LLC Waterville;
Midcoast OTB, Inc. Brunswick; and
LRI, Inc., Lewiston

Commissioner Dresser turned the hearing over to Attorney Guay. Attorney Guay acted as the hearing officer for the license renewal hearing. Commissioner Duncan made a motion to approve the license renewals for Pioneer Gaming, LLC Sanford; Pioneer Gaming, LLC Waterville; Midcoast OTB, Inc. of Brunswick; and LRI, Inc., of Lewiston. Commissioner Reed seconded. Vote 4-0.

3. Commissioner Dresser called the hearing to order pursuant to 8 M.R.S. § 271, § 275-N and Commission Rule Chapter 19, Section 4. The Commission heard testimony on the following applications for live racing license renewals for calendar year 2015:

Northern Maine Fair Association, Presque Isle; Fair Meet
Sagadahoc Agricultural & Horticultural Society, Topsham; Fair Meet
Skowhegan State Fair, Skowhegan; Fair Meet
Union Fair Society, Union; Fair Meet
Windsor Fair, Windsor; Fair Meet
Oxford County Agricultural Society; Oxford Fair, Oxford; Fair Meet
Franklin County Agricultural Society; Farmington Fair, Farmington; Fair Meet
Cumberland Farmers Club, Cumberland Fair, Cumberland; Fair Meet and Extended Meet
West Oxford Agricultural Society; Fryeburg Fair, Fryeburg; Fair Meet
Davric Maine Corp.; Scarborough Downs, Scarborough; Commercial Meet
HC Bangor, LLC; Bangor Raceway, Bangor; Commercial Meet

Attorney Guay acted as hearing officer for the license renewal hearing. Commissioner Reed made a motion to approve the license renewal for Windsor as presented. Commissioner Duncan seconded. Vote 4-0 with one abstention Commissioner McFarland. Commissioner Reed made a motion to approve the following license renewals for Northern Maine Fair Association, Presque Isle; Fair Meet; Sagadahoc Agricultural & Horticultural Society, Topsham; Fair Meet; Skowhegan State Fair, Skowhegan; Fair Meet; Union Fair Society, Union; Fair Meet; Windsor Fair, Windsor; Fair Meet; Oxford County Agricultural Society; Oxford County Fair, Oxford; Fair Meet delete 9/15/2015; Franklin County Agricultural Society; Farmington Fair, Farmington; Fair Meet; Cumberland Farmers Club, Cumberland Fair, Cumberland; Fair Meet and Extended Meet; West Oxford Agricultural Society; Fryeburg Fair, Fryeburg; Fair Meet; Davric Maine Corp.; Scarborough Downs, Scarborough; Commercial Meet; and HC Bangor LLC; Bangor Raceway, Bangor; Commercial Meet delete 7/24/15, 7/27/15, 9/8/15, 9/9/15, 9/10/15 and 9/11/15, and add, 8/12/15, 8/13/15, 9/15/15, 11/9/15, 11/10/15 and 11/16/15.. Commissioner Duncan seconded. Vote 4-0 with one abstention Commissioner Timmons.

4. Commissioner Dresser called the hearing to order pursuant to 8 M.R.S. § 271 and MHRC Rule Chapter 19, Section 4, the Commission heard testimony on the request for Assignment of Race Dates for calendar year 2015 for the following applicants:

Northern Maine Fair Association; Fair Meet	6
Sagadahoc Agricultural & Horticultural Society; Topsham Fair, Fair Meet	5
Skowhegan State Fair, Fair Meet	7
Union Fair Society; Union Fair; Fair Meet	5
Windsor Fair; Fair Meet	9
Oxford County Agricultural Society; Oxford Fair; Fair Meet	4
Franklin County Agricultural Society; Farmington Fair; Fair Meet	7
Cumberland Farmers Club; Cumberland Fair; Fair Meet	7
Cumberland Farmers Club; Extend Meet	1
West Oxford Agricultural Society; Fryeburg Fair; Fair Meet	6
Davric Maine Corp.; Scarborough Downs; Commercial Meet	104
HC Bangor, LLC; Bangor Raceway; Commercial Meet	55

Attorney Guay acted as hearing officer for the license renewal hearing. Commissioner Reed made a motion to adopt for weekday racing 10 dashes, on weekends 11 dashes and Labor Day for Windsor 15 dashes. Commissioner Duncan seconded. Vote 3-0 with two abstentions Commissioner McFarland and Commissioner Timmons. Commissioner Reed made a motion to adopt the following requirements for dashes: 10 dashes on weekdays; 11 dashes at Bangor on Friday; 11 dashes on weekend days; 12 dashes on Triple Crown days; on Sire Stakes day finals one extra dash. Commissioner Duncan seconded. Vote 4-0 with one abstention Commissioner Timmons. Commissioner Reed made a motion to approve Topsham Fair's amendment to their application for race dates. Commissioner Duncan seconded. Vote 4-0 with one abstention Commissioner Timmons.

5. Commissioner Reed made a motion to authorize full card simulcasting to Davric Maine Corp.; Scarborough Downs, Scarborough, and HC Bangor LLC; Bangor Raceway, Bangor during its regular meet in 2015. Commissioner Duncan seconded. Vote 4-0 with one abstention Commissioner Timmons.

A transcript of this hearing is available at the Maine State Harness Racing Commission's Office in Augusta.

UNFINISHED BUSINESS:

1. None.

NEW BUSINESS:

2. None.

REPORTS:

1. None.

OTHER BUSINESS:

1. None.

The meeting adjourned at 2:45 p.m.

Respectfully submitted by:
Henry W. Jackson
Executive Director